

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 29, 2023

SEAN F. McAVOY, CLERK

UNITED STATES OF AMERICA.

Plaintiff,

v.

JOHNATHAN ALLEN,

Defendant.

Case No. 2:23-mj-00338-JAG

I, Special Agent Jared Tomaso, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) October 27, 2022, in the county of Spokane in the Eastern District of Washington, the defendant, JOHNATHAN ALLEN, violated: Title 21 United States Code, Section, 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii), 18 U.S.C. § 2 -Distribution of 50 Grams of Actual (Pure) Methamphetamine.

This complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Jared Tomaso, ATF

Printed name and title

☐ Sworn to before me and signed in my presence.

☒ Sworn to ~~telephonically~~ and signed electronically.

in person. ~~TA6~~

Date: September 29, 2023



James A. Goch

Judge's signature

James A. Goeke, United States Magistrate Judge

Printed name and title

City and state: Spokane, Washington

Assigned AUSA: DMH

County of Investigation: Spokane

In re Affidavit in Support of Criminal Complaint as to Johnathan ALLEN (No. 2:23-mj-00338-JAG)

State of Washington)

ss

County of Spokane)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jared Tomaso, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint seeking the arrest of *Johnathan ALLEN* for violating 21 U.S.C. § 841, distribution of controlled substances.

2. I employed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as a Special Agent and have been so employed since March 2018. I am currently assigned to the Spokane Field Office. As an ATF Special Agent, my duties include the investigation of violations of federal firearms and controlled substance laws. Prior to my employment with ATF, I was employed for two years as a Deportation Officer for the United States Immigration and Customs Enforcement (ICE), and eight years as a United States Border Patrol agent. I am fluent in the Spanish language (reading and writing). During my law enforcement

career, I have made hundreds of arrests for both state and federal violations. I have participated in hundreds of investigations involving felonious crimes. I have received specialized training at the Federal Law Enforcement Training Center (FLETC) in Artesia, NM, FLETC in Glynco, GA, and the ATF National Academy. I have consulted with Senior Special Agents in the ATF, who have years of experience in working firearms and controlled substance related investigations.

3. The facts set forth below are based upon (1) my own personal observations; (2) reports and information provided to me by other law enforcement agents or government agencies; (3) evidence collected through investigative operations. Because this affidavit is being submitted solely for establishing probable cause to support a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have only set forth facts necessary to support the authorization of the requested arrest warrant and criminal complaint.

INVESTIGATION

4. Starting in October of 2022, I have been involved in an investigation involving Johnathan ALLEN, Date of Birth (DOB) 02/09/1991, and his alleged involvement in the sale of methamphetamine, and firearm trafficking. I am aware of a controlled purchase operations involving ALLEN, and others.

5. On October 27, 2022, multiple ATF agents, including Undercover

Agents (UCA)'s, and other law enforcement officers participated in a controlled purchase operation involving, among others, ALLEN. I have consulted with agents who participated in the controlled purchase operation, and I have reviewed portions of audio/video recordings captured during the controlled purchase. From this, I am aware of the following events:

6. During the evening of October 27, 2022, in Spokane Valley, WA, multiple UCAs met ALLEN's codefendant Joshua FISHER (hereafter FISHER) at or near pre-determined meet location (PDL) in Spokane Valley, WA. Prior to the meet, through recorded and preserved communications between UCA and FISHER, FISHER and ALLEN agreed to sell 6 ounces of methamphetamine to the UCA. During the course of the controlled purchase, FISHER entered an ATF Undercover Vehicle (UCV) and sold an ATF UCA approximately 6 ounces of suspected methamphetamine. The controlled purchase was audio and video recorded, and was witnessed by two other UCAs, who were present during the undercover meet. The drugs were placed into evidence and sent to the Drug Enforcement Administration (DEA) lab. Lab reports later confirmed that the evidence contained more than 50 grams of pure or actual methamphetamine.

7. During the investigation, ATF conducted several other controlled purchase operations from ALLEN's Co-Defendant, FISHER which involved methamphetamine and firearms over the several months. During these contacts,

that were again recorded and surveilled by law enforcement, FISHER has brandished a firearm on multiple occasions, witnessed by ATF UCAs.

8. Text message and Facebook communications later uncovered during the investigation established and corroborated ALLEN's participation in the October 27, 2022 distribution. In these communications, FISHER communicated with ALLEN about his need for a half-pound of methamphetamine. ALLEN, who was in a Facebook group with Quinton A. BROWN (another co-defendant), posted in the group that he needed "a half a pound of clear" and BROWN said he had "seven zips" (ounces). ALLEN moved the conversation out of the larger Facebook group and into a direct communication with BROWN, and they made arrangements to meet in Spokane Valley, where FISHER and ALLEN would purchase the methamphetamine from BROWN, and then sell it to the UCA. Meanwhile, ALLEN was communicating about the deal with FISHER, who was communicating with the UCA. They did the deal that night for what turned out to be six ounces (about 160 grams) at a Panda Express/Wal-Mart parking lot in Spokane Valley. During the deal, the secondary UCA, who was driving the undercover car, identified a Black male wearing a red hat, who arrived with FISHER and stayed in the car.

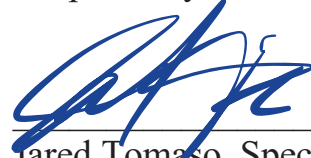
9. Additionally, an ATF UCA received a Facebook message conversation between ALLEN and BROWN. In these messages, ALLEN and

BROWN were attempting to identify who the UCA was. UCA recognized the photograph in the Facebook account to be similar to the black male with FISHER from the October 27, 2022 controlled purchased. FISHER positively identified ALLEN. Further investigative analysis showed ALLEN and FISHER in telephonic contact with each other.

10. Based on the foregoing, I submit that there is probable cause to believe that on October 27, 2022, Joshua Fisher committed the offense of Distribution of 50 grams or more of Actual Methamphetamine, in violation of 21 United States Code Section 841(a)(1), (b)(1)(A)(viii).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Jared Tomaso, Special Agent
Bureau of Alcohol, Tobacco,
Firearms, & Explosives

Sworn to in person and signed electronically on this 29th day of September, 2023.



James A. Goeke
United States Magistrate Judge